

Notice of Allowability

Application No.

09/778,165

Examiner

Susan W Berman

Applicant(s)

HUSEMANN ET AL.

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Final rejection submitted 04-23-2004.
2. ☒ The allowed claim(s) is/are 1-8, 11 and 12.
3. ☒ The drawings filed on 02-07-2001 and amended herein are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David D. Kim on 05-06-2004.

The application has been amended as follows:

In the Specification:

Page 13, line 13, change "Figure 1" to "Figure 2" and change "Figure 2" to "Figure 3".

Page 16, line 2, change "Figure 3" to "Figure 4".

Page 16, line 6, change "Figure 4" to "Figure 5".

In the Drawings:

Page 1/3, insert "Fig. 1" at the bottom of the page in the center of the page.

Page 2/3, change "Fig. 1" to "Fig. 2" and change "Fig. 2" to "Fig. 3".

Page 3/3, change "Fig. 3" to "Fig. 4" and change "Fig. 4" to "Fig. 5".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Applicant has amended claim 1 to limit monomer "a) iii)" in the polyacrylate copolymer to a (meth)acrylate whose alcohol component contains tert-butoxycarbonyl (BOC) or a combination of tert-butoxycarbonyl and hydroxyl groups, thus obviating the rejection of record. It is agreed that neither Skinner nor Karim, of record, teaches or suggests polyacrylates obtained by thermal crosslinking of compositions comprising a polyacrylate

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having tert-butoxycarbonyl groups, a polymerization regulating photoinitiator and a difunctional isocyanate and/or bifunctional epoxide in the weight percents set forth in the instant claims.

It is noted that applicant's remarks filed 04-23-2004 indicate that the amendment was not presented earlier because the amendment is responsive to a new ground of rejection made for the first time in the final rejection mailed 10-23-2003. However, in response, the first Office Action rejected the claims 1, 2, 11 and 12 under 35 USC 102 over Skinner '600 and over Karim '289. The rejection of claims over Karim was made under 35 USC 103 in the final rejection, thus "new" grounds of rejection are not considered to have been introduced in the final rejection.

The Drawings have been corrected to note that page 1/3 is Figure 1 as described in the specification on pages 7-8. The Figures on pages 2/3 and 3/3 originally numbered 1-4 have been renumbered 2-5. The numbers of the corresponding Figures in the specification on pages 13 and 16 have been changed to agree with the drawings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan W Berman
Primary Examiner
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SB
5/4/04